IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

OP.No. 8775 of 2001(T)

PETITIONER:

V.G.RENUKA, INFORMATION OFFICER, NOW WORKING ON DEPUTATION AS ASSISTANT SECRETARY, KERALA PRESS ACADEMY, KAKKANAD, KOZHI 682 030

BY ADV. SRI.N.SUGATHAN
SMT.R.SEEMA

RESPONDENTS:
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1. THE DIRECTOR OF PUBLIC RELATIONS AND SECRETARY TO GOVERNMENT, GENERAL ADMINISTRATION (PUBLIC RELATIONS) DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM

2. THE DIRECTOR OF PUBLIC RELATIONS AND SECRETARY TO GOVERNMENT, GENERAL ADMINISTRATION (PR) DEPARTMENT AND CONVENER, D.P.C.(L), SECRETARIAT, THIRUVANANTHAPURAM

3. K.SASIKUMAR, INFORMATION OFFICER, CIVIL STATION, KAKKANAD, COCHI – 30.

4. P.R.BALACHANDRAN, INFORMATION OFFICER, COLLECTORATE, THIRUVANANTHAPURAM

5. V.K.SHARAFUDEEN, INFORMATION OFFICER, CIVIL STATION, THRISSUR

*ADDITIONAL R6 TO 15 IMPLEADED:

6. K.MANOJ KUMAR, INFORMATION OFFICER, PLANNING & DEVELOPMENT, INFORMATION & PUBLIC RELATIONS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM

7. T.VELAYUDHAN, DIST. INFORMATION OFFICER, DISTRICT INFORMATION OFFICE, CIVIL STATION, MALAPARAMBU, KOZHIKODE

8. M.K.VIVEKANANDAN NAIR, INFORMATION OFFICER, RESEARCH & REFERENCE, INFORMATION AND PUBLIC RELATIONS DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM

9. P.VENUGOVINDA KUMAR, CULTURAL DEVELOPMENT OFFICER, TAGORE THEATRE, VAZHUTHACAUD, THIRUVANANTHAPURAM

10. S.SUDHIR, DISTRICT INFORMATION OFFICER, DIST. INFORMATION OFFICE, COLLECTORATE, VANCHIYOOR, THIRUVANANTHAPURAM

11. P.P.CHANDRAN, DIST. INFORMATION OFFICER, DIST. INFORMATION OFFICE, COLLECTORATE, VANCHIYOOR, THIRUVANANTHAPURAM

12. M.G.PRAKASH, DISTRICT INFORMATION OFFICER, DIST. INFORMATION OFFICE, CIVIL STATION, KOTTAYAM

13. M.GANGADHARAN, DIST. INFORMATION OFFICER, DIST.INFORMATION OFFICE, CIVIL STATION, KANNUR

14. M.R.MANOHARA VARMA THAMPURAN, ADDL.P.S. TO MINISTER FOR CULTURE & CIVIL SUPPLIES, SECRETARIAT, THIRUVANANTHAPURAM

15. K.S.SUDHA, SCRUTINY OFFICER, INFORMATION & PUBLIC RELATIONS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM

*ADDITIONAL RESPONDENTS IMPLEADED AS PER ORDER DT.6-7-04 IN IA.8386/04.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA
SRI.V.R.GOPU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.14075/2001 IN O.P.NO.8775/2001

DISMISSED.

31-1-2007 SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. RELEVANT EXTRACT OF THE PROVISIONAL GRADATION LIST OF OFFICERS OF AND ABOVE THE RANK OF ASSISTANT INFORMATION OFFICER.

EXT.P2. TRUE COPY OF LETTER NO.1119/RULES/98/PR DATED 10-7-1998 OF THE 1ST RESPONDENT.

EXT.P3. TRUE COPY OF MEMO NO.1119/RULES/98/PR DATED 25/1/1999 OF THE 1ST RESPONDENT.

EXT.P4. TRE COPY OF G.O.(RT)NO.19/99/PR DATED 27-1-1999 OF THE GOVERNMENT.

EXT.P5. TRUE COPY OF LETTER NO.1119/RULES/98/PR DATED 23-6-1999 OF THE 1ST RESPONDENT.

EXT.P6. TRUE COPY OF REPRESENTATION DT. 14-7-1999 FILED BY THE PETITIONER BEFORE 2ND RESPONDENT.

EXT.P7. TRUE COPY OF REPRESENTATION DT. 31-1-2000 FILED BY THE PETITIONER BEFORE 2ND RESPONDENT.

EXT.P8. TRUE COPY OF G.O.(RT)NO.190/99/P&ARD DATED 3-12-1999 OF THE GOVERNMENT.

EXT.P9. TRUE COPY OF JUDGMENT DT. 6-9-2000 IN O.P.NO.26175/2000 OF THE HON: HIGH COURT OF KERALA

EXT.P10. TRUE COPY OF LETTER NO.18104/RULES/2000/PR DT. 14-11-2000 OF THE 1ST RESPONDENT.

EXT.P11. TRUE COPY OF ORDER NO.13521/A1/96/PR DATED 7-9-1996 OF THE 1ST RESPONDENT.

EXT.P12. TRUE COPY OF LETTER NO.7868/A1/98/PR DATED 1-8-1998 OF THE 1ST RESPONDENT.

EXT.P13. TRUE COPY OF NOTIFICATION PUBLISHED IN G.O.(RT) NO.5129/2003/GAD-2 DATED 23-7-2003.

/ TRUE COPY /

KURIAN JOSEPH, J.

O.P.No. 8775 of 2001

Dated this the 31st day of January, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

> i) to issue a writ of certiorari or any other appropriate writ or order quashing Ext.P10 reply.
>
> ii) to issue a writ of mandamus or any other appropriate writ or order directing the respondents 1 and 2 to consider the name of the petitioner for inclusion in the select list for appointment to the post of Information Officer for the year 1995 and to include her name in that list and assign her rank above her immediate junior, Sri.K.Manoj Kumar and to grant her all consequential benefits.
>
> iii) to issue a writ of mandamus or any other appropriate writ or order directing respondents 1 and 2 to revise Ext.P8 select list and to assign the petitioner rank above respondents 3 to 5.

Ext.P10 is a communication addressed to the petitioner in purported compliance with Ext.P9 judgment. The stand taken in the impugned order is that despite several requests the petitioner did not submit the completed confidential reports. I am afraid the said stand cannot be fully appreciated. In the counter affidavit at paragraph 6 it is admitted that "the last set of confidential report and the detailed submission

submitted by the petitioner were considered by the Committee at its meeting held on 6-11-1999 and they found them satisfactory and agreed to include her name in the select list for 1999 as 5th person in the list below Sri.G.Haridasan Unnithan and above Sri.M.A.Vincent." According to the petitioner the submission referred to in the counter affidavit is Ext.P6 dated 14-7-1999. A perusal of Ext.P6 would show that the petitioner had submitted the confidential reports for the entire period in the category of Assistant Editor from 1-1-1991 to 1996. If the same could be acted for inclusion in the list for 1999 I find no reason why the same could not be acted upon for the vacancies which arise in 1995. In Sobha Kumar v. State of Kerala, 2004 (2) KLT 755 this court has already held as follows:-

> "A combined reading of Sub-r.(4) and sub-r. (4a) would clearly show that what is required is only the Confidential Reports of the Officer concerned for a period of three years preceding the long leave. There is no insistence anywhere in the Rules that the Report should be prepared at the relevant period. If the Reports are not available since the incumbent did not take the required steps at the relevant time, there is some justification in not considering the case. In any case, only if it is not possible for an Officer to have three years

> Confidential Reports, there arises a question of consideration of one year period mentioned in R.4 (a).”

All that apart it is also seen that this court had already issued a direction in Ext.P9 judgment to consider the matter by the DPC since it is the DPC which has to revise the list. I quash Ext.P10. There will be a direction to the second respondent to convene an adhoc DPC, consider the confidential reports of the petitioner submitted by her as per Ext.P6 for the entire period from 1991 onwards and take appropriate action for inclusion of her name subject to her suitability in the 1995 list. The needful shall be done within a period of two months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.8775/2001

JUDGMENT

31st January, 2007